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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUBCOMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement by Human Rights Watch, a non-governmental organization in consultative status (Category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[14 July 1995]

Violations of human rights: public procedure

1. Serious human rights violations continue unabated in Colombia. The administration of Ernesto Samper has yet to take the concrete steps necessary to address what Human Rights Watch believes are the mechanisms that allow security force agents to commit human rights violations with impunity: the absence of serious investigations, military court jurisdiction over security force agents implicated in abuses, and the failure to aggressively investigate and punish the members of paramilitary groups often working in coordination with the army or police among them.

2. The continuing high incidence of human rights violations is why Human Rights Watch continues to call for the appointment of a special rapporteur.

3. Most of the civilian offices dedicated to protecting human rights, while staffed in large part by dedicated professionals, have no power to investigate, try or sanction security force members. Human Rights Watch believes that one of the linchpins of impunity in Colombia is the practice of trying members of the security forces implicated in human rights violations in military courts, where they have been routinely absolved. This is especially important in the wake of President Samper's decision not to support the "Disappearances" Bill in 1994 because it would have mandated that security force officers implicated in "disappearances" be investigated by civilian prosecutors and tried in civilian courts.

4. Torture, both during interrogation in the field by soldiers and in police detention centres, remains a common occurrence not only for those suspected of having committed political crimes, but for those suspected of having committed common crimes. A recent study carried out by respected human rights groups in Barrancabermeja, department of Santander, found that of 183 individuals detained by soldiers or police between January 1993 and June 1994, 170 reported being tortured, 93 per cent.

5. Particularly worrisome is the establishment by the Government of rural security cooperatives, also called "vigilance associations". As implemented by the Ministry of Defence in 1995, these are groups of civilians working in close cooperation with the police and military to combat guerrillas in rural areas. Human Rights Watch is concerned that these groups are becoming yet another paramilitary group in Colombia.

6. Clearly, the State has so far proved itself unable to either monitor paramilitary groups, investigate them, or prosecute members, including members of the security forces, who commit abuses. Human Rights Watch remains concerned that the Government is giving not only actual but tacit approval to existing paramilitary groups in the country.

7. The following cases remain of special concern:

El Castillo: Since November 1994, the residents of Medellín de Ariari, municipality of El Castillo, Meta, have reported numerous attacks by a paramilitary group calling itself "Serpiente Negra" (Black Serpent), which has sought to threaten and kill those it identifies as guerrillas or their supporters. According to information received by Human Rights Watch, members of this group first announced themselves on 13 November, when they appeared in Medellín de Ariari carrying weapons. As a precautionary measure, community leaders, led by Vicente Prieto, called an emergency meeting with the Procuraduría and other municipal and government representatives. Nevertheless, a few weeks later, Black Serpent apparently set a highway ambush for the mayor of El Castillo and a council member, who managed to flee. One peasant ambushed days later was "disappeared" while another was found dead, his body showing signs of torture. On 24 December, Vicente Prieto was murdered in circumstances that suggest the work of Black Serpent. On 6 January, Belisario Panagos and Alfonso Bohórquez, both members of the Patriotic Union, were shot and

killed. A week later, Arnovio Millán and José Zapata were apparently strangled to death. Community leaders have reported at least six additional murders they believe were carried out by Black Serpent. Black Serpent operates with impunity in one of the most heavily militarized areas of Colombia. Human Rights Watch believes that there is a serious concern about possible collaboration between Black Serpent and the local military and police. According to government sources, there are at least 160 paramilitary groups currently operating in Colombia.

Sabana de Torres: Human Rights Watch has received a series of reports from community leaders of Sabana de Torres, department of Santander, indicating that members of the "Los Guanes" Counterguerrilla Battalion attached to the Fifth Brigade in Bucaramanga have committed murders and have beaten and issued death threats against civilians living in seven nearby villages. According to local human rights groups, soldiers detained 16-year-old Aleixir Orozco on 26 November 1994, and later executed him, dressed him in a guerrilla uniform and presented him as a guerrilla killed in action. In Cano Peruetano, farmers told Human Rights Watch that they have received death threats from soldiers attached to the "Los Guanes" Battalion, who have accused farmers of being "guerrillas and guerrilla supporters". Soldiers also apparently told them that a local paramilitary group known as "Las Motosierras" (The Chainsaws), so named for the brutal way in which they kill their victims, would soon target them. In May and June, human rights workers in the area received numerous telephone death threats.

Trade unionists: Hundreds of trade unionists have been killed and threatened simply for belonging to a union, participating in contract negotiations, or trying to form union locals. In 1994, 101 trade unionists were killed for political reasons in Colombia. Of those, 35 killings took place in the department (State) of Antioquia, one of the most highly unionized in Colombia. According to the Unified Workers Central, which represents 60 per cent of Colombia's unionized workers, three of every five union workers killed in the world last year were Colombian, among them oil workers, teachers, municipal employees and agricultural labourers. Human Rights Watch believes that there is clear, abundant and convincing evidence linking State agents and the paramilitary and death squads often working as their allies or associates to the killings of trade unionists. Other perpetrators include guerrilla groups. Among the most blatant political killings of trade unionists in 1994 were those of two members of the Unified Federation of Antioquia Workers (FUTRAN), which represents most Antioquia trade unionists. FUTRAN Education Secretary Guillermo Marín had reported receiving death threats to government authorities before he was killed on 18 July 1994. Two months later, four heavily armed men forced their way into the FUTRAN office, shot and killed a union employee and crippled for life the FUTRAN human rights secretary. A paramilitary group calling itself Colombia Without Guerrillas (COLSINGUE) later claimed responsibility for Marín's murder. Human Rights Watch believes COLSINGUE may include active-duty police officers. A year later, Human Rights Watch is not aware that anyone has been charged for Marín's murder.

8. The Government has taken some steps to curb violations. In a speech delivered in September 1994, President Samper gave his support to the ratification of Protocol II Additional to the Geneva Conventions. When a combined government-civilian commission delivered to him a report in January 1995 on the Trujillo massacres, the killings of 107 people in 1990, he accepted their conclusion that members of the security forces and judiciary had either been directly involved in the killings of 34 people or had been complicit in covering up the identities of the murderers. On behalf of the Government, he accepted responsibility for the crimes. The following day, an army major who had not only allowed the killings to take place but had been an active participant was dismissed.

9. However, this example also demonstrates the impunity enjoyed by members of the security forces. Although the major was identified five years earlier as a suspect in these killings, he remained in active service and was promoted normally until the commission presented its findings. Since several courts have already absolved him of guilt, in proceedings that are now considered seriously flawed, and the statute of limitations has expired, he will not be retried and will remain unpunished.